

MICHELLE R. BERNARD (SBN: 144582)  
 MATTHEW S. FOY (SBN: 187238)  
 GORDON & REES LLP  
 101 W. Broadway, Suite 2000  
 San Diego, CA 92101  
 Telephone: (619) 696-6700  
 Facsimile: (619) 696-7124  
[MBernard@gordonrees.com](mailto:MBernard@gordonrees.com)  
[MFoy@gordonrees.com](mailto:MFoy@gordonrees.com)

Attorneys for Defendant  
 NAVIGATORS SPECIALTY INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

MT. HAWLEY INSURANCE COMPANY,	)	CASE NO. CV 10 5038 RS
	)	
Plaintiff,	)	<b>JOINT STIPULATION FOR</b>
	)	<b>MODIFICATION OF CASE</b>
vs.	)	<b>MANAGEMENT SCHEDULING</b>
	)	<b>ORDER; [PROPOSED] ORDER</b>
NAVIGATORS SPECIALTY INSURANCE	)	
COMPANY,	)	Complaint Filed: November 8, 2010
Defendant.	)	Judge: Hon. Richard Seeborg

The parties hereto, Plaintiff Mt. Hawley Insurance Company ("Mt. Hawley") and Defendant Navigators Specialty Insurance Company ("Navigators"), by and through their respective counsel of record, hereby stipulate to modification of the current Case Management Scheduling Order as follows:

1. WHEREAS, on May 12, 2011 the Court issued a Case Management Scheduling Order which provides:
  - a. On or before November 30, 2011, all non-expert discovery related to the duty to defend question shall be completed;
  - b. A Further Case Management Conference shall be held on October 20, 2011;
  - c. All pretrial motions must be filed and served pursuant to Civil Local Rule 7 and heard no later than January 26, 2012;

1           2.       WHEREAS, on October 14, 2011 the Court, on its own motion, continued the  
2 Further Case Management Conference from October 20, 2011 to December 15, 2011 (Clerk's  
3 Notice, Dkt. No. 27);

4           3.       WHEREAS, on November 3, 2011 the Court modified the Case Management  
5 Scheduling Order, pursuant to the parties stipulated request, to provide for the following  
6 schedule:

- 7                   a.       All non-expert discovery related to the duty to defend question shall be  
8                               completed on or before **February 29, 2012**;
- 9                   b.       All pretrial motions must be filed and served pursuant to Civil Local Rule  
10                              7 to be heard no later than **April 12, 2012**;

11          4.       WHEREAS, on November 3, 2011, the Court issued its order granting in part, and  
12 denying in part Mt. Hawley's motion for partial summary judgment (Dkt. No. 30);

13          5.       WHEREAS, on December 12, 2011 the Court, on its own motion, continued the  
14 Further Case Management Conference from December 15, 2011 to January 19, 2012 (Clerk's  
15 Notice, Dkt. No. 32);

16          6.       WHEREAS, on January 19, 2012, following the Further Case Management  
17 Conference on that date, the Court issued a minute order (Dkt. No. 35) as follows:

- 18                   a.       A Further Case Management Conference shall take place on **March 22,**  
19                               **2012** at 10:00 a.m.; and
- 20                   b.       All discovery and dispositive motions deadlines are vacated;

21          7.       WHEREAS, in addition to the modifications referenced above, the case schedule  
22 has been previously modified as follows:

- 23                   a.       Navigators was permitted two (2) additional weeks to respond to Mt.  
24                               Hawley's Complaint;
- 25                   b.       The briefing schedule on Mt. Hawley's Motion for Partial Summary  
26                               Judgment was extended such that Navigator's Opposition due date was  
27                               continued from August 17, 2011 to August 31, 2011, Mt. Hawley's Reply  
28                               due date was continued from August 24, 2011 to September 7, 2011, and

1 the hearing date was continued from September 8, 2011 to September 22,  
2 2011;

3 8. WHEREAS, the parties agree that modification of the current Case Management  
4 Scheduling Order will allow the parties to discuss alternatives to further litigation;

5 9. WHEREAS, Mt. Hawley and Navigators therefore stipulate and agree to continue  
6 the final hearing date for pretrial motions to **May 10, 2012**.

7  
8 IT IS SO STIPULATED.

9  
10 Dated: 3/8, 2012

GRECO TRAFICANTE SCHULZ & BRICK

11  
12 By 

Clyde C. Greco, Jr.

Jon S. Brick

Attorneys for Plaintiff

MT. HAWLEY INSURANCE COMPANY

13  
14  
15  
16 Dated: March 8, 2012

GORDON & REES LLP

17  
18 By 

Michelle R. Bernard

Matthew S. Foy

Attorneys for Defendant

NAVIGATORS SPECIALTY INSURANCE  
COMPANY

19  
20  
21  
22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23 The Case Management Scheduling Order is modified to provide that all pretrial motions  
24 must be filed and served pursuant to Civil Local Rule 7 and heard no later than **May 10, 2012**.

25  
26 Dated: 3/9/12



Richard Seeborg

Judge of the United States District Court